

United States Court of Appeals
For the Eighth Circuit

No. 15-2266

United States of America

Plaintiff - Appellee

v.

Juan Carlos Rodriguez-Maynez

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: February 16, 2016

Filed: February 23, 2016

[Unpublished]

Before LOKEN, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Juan Carlos Rodriguez-Maynez directly appeals the sentence imposed by the district court¹ after he pleaded guilty to conspiring to smuggle bulk cash and

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

conspiring to import cocaine. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was unreasonable. We conclude that Rodriguez-Maynez's appeal waiver should be enforced and prevents consideration of his claim. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result). Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. We note, however, that the judgment incorrectly cites 21 U.S.C. § 960(b)(1)(3), and we order that the judgment be corrected to substitute section 960(b)(3) for section 960(b)(1)(3). See 28 U.S.C. § 2106 (appellate court may modify any judgment brought before it for review).

According, we dismiss the appeal, we grant counsel's motion to withdraw, and we deny Rodriguez-Maynez's motion for new counsel as moot.
